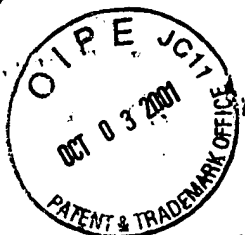


\$DAE



PATENT  
SUD-002-USA-P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 4

In re application of  
A. Ninjouji, et al.

Serial No.: 09/437,111

Group No.: 1761

Filing Date: November 9, 1999

Examiner: To Be Assigned

For: Sparkling Low Alcoholic Beverage Sake And  
Producing Method Thereof

PETITION TO REVIVE PURSUANT TO 37 C.F.R. 1.137(b)

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

RECEIVED

OCT 05 2001

Sir:

OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

Applicant hereby respectfully petitions under 37 C.F.R. § 1.137(b) to revive the above-identified application, which was unintentionally abandoned for failure to file a response to the Notice to File Missing Parts of Application mailed December 8, 1999. The delay was unintentional for the following reasons:

The date in which the response to the Notice to File Missing Parts of Application mailed December 8, 1999 was due was inadvertently overlooked due to a clerical and docketing oversight. A report letter of same had been prepared and forwarded to the client on December 16, 1999, (see letter attached). However, a Response was not filed, and the docket clerk incorrectly assumed

10/16/2001 AWONDAF1 00000048 201424 09437111  
01 FC:141 640.00 CH 640.00 DP

10/05/2001 AWONDAF1 00000048 201424 09437111

01 FC:141 640.00 CH 640.00 DP

10/16/2001 AWONDAF1 00000048 201424 09437111  
01 FC:241 640.00 CH 640.00 DP  
02 FC:205 640.00 DP

that the Response had been filed on February 8, 2000 and, thus, cleared the due date of the Response from the docket.

A copy of the Notice of Abandonment mailed November 29, 2000, a copy of the Notice to File Missing Parts of Application mailed December 8, 1999, and a Submission of Missing Parts of Application are attached hereto. Further, a check in the amount of \$640 for the petition fee is attached hereto (the Applicant qualifies as a Small Entity).

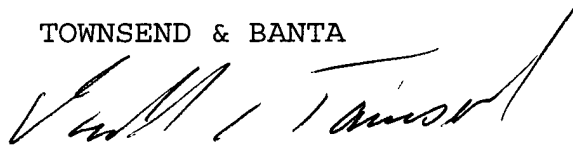
Further, it is respectfully submitted that the entire delay in filing the required reply from the due date until the filing of this grantable petition pursuant to 37 C.F.R. 1.137(b)(3) was unintentional. One of the inventors required to execute the Declaration and Power of Attorney had previously terminated employment with the assignee herein (Kabushiki Kaisha Ichinokura), and thus it took considerable time to locate and have him sign the Declaration and Power of Attorney.

In view of the fact that this application was unintentionally abandoned as discussed above, that the entire delay in filing the required repply from the due date until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b)(3) was unintentional, that a Submission of Missing Parts of Application mailed December 8, 1999 is submitted herewith, and the appropriate Petition and requisite fee therefor is provided herewith, it is respectfully requested that the requirements of 37 C.F.R. 1.137(b) have been met. Thus, granting of this Petition is hereby respectfully requested.

The fee amount submitted herewith is believed to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 20-1424. A duplicate copy of this paper is attached.

Respectfully submitted,

TOWNSEND & BANTA

A handwritten signature in dark ink, appearing to read 'Donald E. Townsend', is written over the printed name.

Donald E. Townsend  
Reg. No. 22,069

Date: October 3, 2001

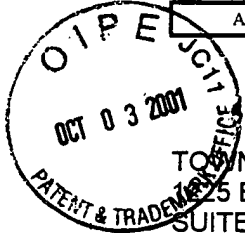
TOWNSEND & BANTA  
1225 Eye Street, N.W.  
Suite 500  
Washington, D.C. 20005  
(202) 682-4727



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 09/437,111         | 11/09/1999  | AKITSUGA NINJOUJI     | SUD-002-USA-           |



TO: INSEND & BANTA  
25 EYE STREET NW  
SUITE 500  
WASHINGTON, DC 20005

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OCT 05 2001  
OFFICE OF PETITIONS  
DEPUTY A/C PATENTS

ABANDONMENT/TERMINATION  
LETTER



\*OC000000005583058\*

Date Mailed: 11/29/2000

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/08/1999.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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02 FC:105

130.00 DP